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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TERRY BROWN,

Plaintiff,

vs.

PORT OF OAKLAND,

Defendant.

Case No. C 08-02358SI

**[PROPOSED] ORDER GRANTING
MOTION FOR SUMMARY JUDGMENT
PURSUANT TO FED. R. CIV. P. 56(c)**

Date: July 25, 2008
Time: 9:00 a.m.
Courtroom: 10, 19th Floor

The Motion for Summary Judgment, Pursuant to Federal Rule of Civil Procedure Rule 56(c) of defendant Port of Oakland ("Defendant"), came on regularly for hearing on July 25, 2008, at 9:00 a.m. in Courtroom 10 of the above-entitled Court. After full consideration of Defendant's Motion, the papers submitted by the parties in support and in opposition thereto, and the arguments presented,

IT IS HEREBY ORDERED, DECREED AND AJUDGED that:

1. Defendant's Motion for Summary Judgment is GRANTED in its entirety.
2. The Court finds that Defendant is entitled to summary judgment as a matter of law as to plaintiff Terry Brown's ("Plaintiff") entire Complaint, on the grounds that the uncontested material facts establish that 1) Plaintiff failed to exhaust his administrative remedies within the applicable statutes of limitation and that 2) plaintiff failed to establish a prima facie case that he

1 applied for or was considered for employment by Defendant.

2 3. Judgment shall enter forthwith in the Defendant's favor and against Plaintiff.

3 IT IS SO ORDERED.

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5 Dated: _____, 2008

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7 Honorable Susan Illston
8 United States District Court
9 Northern District of California
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